

103D CONGRESS  
1ST SESSION

# H. R. 468

To provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1993

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Treatment of  
5 Former Air Traffic Controllers Act of 1993”.

6 **SEC. 2. SUITABILITY OF AIR TRAFFIC CONTROLLERS WHO**  
7 **PARTICIPATED IN THE 1981 STRIKE.**

8 (a) AUTHORITY TO APPOINT OR REINSTATE CER-  
9 TAIN FORMER AIR TRAFFIC CONTROLLERS.—Air traffic  
10 controllers whose appointment was terminated on account

1 of the strike of air traffic controllers which began on or  
2 about August 3, 1981, shall not, as a class, be considered  
3 unsuitable for appointment or reinstatement in the Fed-  
4 eral Aviation Administration. Determinations of suitability  
5 for appointment or reinstatement to any such position  
6 shall be made on a case-by-case basis by the Office of Per-  
7 sonnel Management in accordance with part 731 of title  
8 5 of the Code of Federal Regulations (as in effect on June  
9 1, 1986).

10 (b) LIMITATION ON CLAIMS AGAINST U.S.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (2), no claim may lie against the Government  
13 of the United States, or any officer, employee, or  
14 agency thereof, based on a failure to appoint or rein-  
15 state a particular individual as a result of enactment  
16 of this Act.

17 (2) CLAIMS BASED ON DISCRIMINATION.—

18 Nothing in this subsection shall preclude a claim  
19 based on discrimination on the basis of race, color,  
20 religion, sex, or national origin.

21 (c) NONAPPLICABILITY OF AGE LIMITATION.—Noth-

22 ing in section 3307(b) of title 5, United States Code, or  
23 in any rule or regulation prescribed thereunder, shall  
24 apply with respect to appointments made as a result of  
25 enactment of this Act.

1       (d) REGULATIONS.—The Secretary of Transportation  
2 may prescribe regulations to carry out this section (exclud-  
3 ing the second sentence of subsection (a)).

4       (e) DEFINITION.—For the purposes of this section,  
5 the term “air traffic controller” has the meaning given  
6 such term by section 2109 of title 5, United States Code.

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